



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 4, 1998

Ms. Dianne Eagleton
Supervisor, Records Division
North Richland Hills Police Department
P. O. Box 820609
North Richland Hills, Texas 76182-0609

OR98-2586

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119219.

The North Richland Hills Police Department (the "department") received a request for information relating to a child sexual abuse case. You contend that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code. You also contend that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the information at issue.

Section 552.101 of the Government Code excepts from disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Section 552.101 incorporates confidentiality statutes into the Open Records Act. You contend that section 58.007 of the Family Code applies to the requested information. Section 58.007 makes the law enforcement records of juvenile offenders confidential. The information at issue here relates to a juvenile victim of sexual abuse, not a juvenile offender. Thus, the applicable confidentiality statute is section 261.201 of the Family Code.

Section 261.201(a) of the Family Code provides as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Because the requested information relates to an allegation of child abuse, the information is within the scope of section 261.201 of the Family Code. We assume that the department has not adopted a rule that governs the release of this type of information. Given that assumption, the requested information is confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 at 2 (1986) (predecessor statute). Accordingly, the department must withhold the information from disclosure under section 552.101 of the Government Code as information made confidential by law.¹

Because we are able to resolve this matter under section 552.101, we need not address your section 552.108 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/mjc

Ref: ID# 119219

Enclosures: Submitted documents

¹We note that if the Texas Department of Protective and Regulatory Services has created a file on this alleged abuse, the child's parent(s) may have the statutory right to review that file. *See* Fam. Code § 261.201(f).